

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sergio Chung on Tuesday, August 23, 2011.

The application has been amended as follows (for the claims submitted After-Final, August 10th, 2011):

Claim 82, has been cancelled

Claim 96,

Line 3: changed both recitations of "endless path" to --endless frame forming a path--

Line 6: changed "path" to --frame--

Line 8: changed "path" to --frame--

With this Examiner's Amendment to the claims submitted 8/10/2011,

Claims 79-81, 83-100 and 105-110 are now Allowed

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The primary reason for allowance of independent claims 88 and 96 and their respective dependents is the combination of structure claimed that forms the device for enabling access to a structure above ground level, and more specifically, in addition to the endless frame structure that forms a path defining an opening, the inclusion of the alignment arrangement disposed above endless frame structure of the device and extending laterally outward beyond the perimeter of the endless frame structure configured for positioning of the structure into the opening formed by the endless frame.

This combination of structure and alignment arrangement is not made obvious or anticipated by any known prior art. Particularly, the claim language defines over previously cited structures of Colditz et al. (6,856,663), Wilson (2,336,432) and Dudley (860,359), none of which individually or in combination with the others teach such an alignment arrangement for a scaffolding device which is positioned both above and extends laterally beyond the perimeter of the device frame for positioning the structure with the opening of the frame.

Absent the applicant disclosure there is no reference to such a combination of structure and alignment arrangement. Therefore the applicant's independent claims 88 and 96, and their respective dependents, as listed above, are now allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN M. QUINN whose telephone number is (571)272-6289. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/COLLEEN M QUINN/
Examiner, Art Unit 3634

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634